

The opinion in support of the decision being entered today
is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCO MICHAEL RENGAN, ROBERT RUSSELL
WOLFORD, and RICHARD JOSEPH ZABELICKY Jr.

Appeal 2007-0646
Application 09/904,622¹
Technology Center 2600

Decided: August 27, 2007

Before LANCE LEONARD BARRY, JEAN R. HOMERE, and JAY P.
LUCAS, *Administrative Patent Judges*.

LUCAS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal from a final rejection of claims 1-7 and 24-37 under authority of 35 U.S.C. § 134. The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

¹ Application filed July 13, 2001. The real party in interest is Lenovo, Inc.

Appellants' invention relates to a method and apparatus for controlling two displays on a computer, where the user can select to show the same content on both displays, or different content on the two displays, in an efficient manner. In the words of the Appellants:

“An apparatus and method within a display subsystem for replacing a video image on a local display while simultaneously maintaining the first video image on an external display. The method entails configuring a first buffer address register accessible by a display controller to locally display data pointed to by the first buffer address register, and a second buffer address register accessible by the display controller to display within an external display device data pointed to by the second buffer address register.” (Specification, page 26)

Claim 1 is exemplary:

1. A method for providing display control on a computer system having a first display device and a second display device, said method comprising:

allocating a first memory location for storing contents to be displayed by said first display device, wherein said first memory location is accessible by a video display controller;

allocating a second memory location for storing contents to be displayed by said second display device, wherein said second memory location is accessible by said video display controller;

in response to a selection of a concurrent display mode, providing identical information to said first and second memory locations, such that contents displayed on said first display device are identical to contents displayed on said second display device; and

in response to a selection of a split display mode, retaining information in said first memory location and updating information in said second memory location, such that contents displayed on said first display device are different from contents displayed on said second display device.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Chee	US 5,694,141	Dec. 2, 1997
Ranganathan	US 5,764,201	Jun. 9, 1998
Komeichi	US 5,929,871	Jul. 27, 1999

Rejections:

Rejection I: Claims 1, 2, 4, 6, 7, 24, 25, 27, 29-32, 34, 36, and 37 stand rejected under 35 U.S.C. § 103(a) for being obvious over Chee in view of Ranganathan.

Rejection II: Claims 3, 5, 26, 28, 33, and 35 stand rejected under 35 U.S.C. § 103(a) for being obvious over Chee in view of Ranganathan and Komeichi.

Appellants and the Examiner have only presented arguments related to the first rejection. In view of this, we will hold our ruling on that rejection to be determinative of the appeal before us. Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Briefs and the Answer for their respective details. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2004).²

² Appellants have not presented any substantive arguments directed separately to the patentability of the dependent claims or related claims in each group, except as will be noted in this opinion. In the absence of a separate argument with respect to those claims, they stand or fall with the representative independent claim. *See In re Young*, 927 F.2d 588, 590, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). *See also* 37 C.F.R. § 41.37(c)(1)(vii).

We affirm.

ISSUE

The issue before us is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a). The issue turns on whether the references Chee and Ranganathan teach the claimed concurrent and split display modes in a computer system using two display devices. Appellants contend that the claimed subject matter is not rendered obvious by Chee alone, or in combination with Ranganathan, for reasons to be discussed more fully below. The Examiner contends that the claims are properly rejected.

FINDINGS OF FACT

Findings with respect to the rejection of claims 1, 2, 4, 6, 7, 24, 25, 27, 29-32, 34, 36, and 37 under 35 U.S.C. § 103(a).

1. Appellants have invented an apparatus and method for displaying content (think in terms of PowerPoint® slides) from a laptop computer both on the laptop's Liquid Crystal Display (LCD) screen and on an audience display device. Appellants describe current systems (prior art) as displaying the same image on both screens. However, Appellants invention lies in being able to show different content (for example, the next slide that will be shown) on the laptop from that which is currently being seen by the audience on the screen. (Spec., Figure 1, pages 9 and 13).
2. The Chee reference teaches a computer system with a laptop LCD screen and an external cathode ray tube (CRT) display (Chee, Figure 3) in which the prior art of that time is described as follows "The '109 patent is believed to disclose a bus-mountable VGA controller card for IBM compatible computers, which will allow driving of a LCD, or

- of a CRT, or of the LCD and CRT simultaneously. However, both display devices will show the same image.” (Chee, col. 5 middle). Chee then expresses his objectives, including, “Still another object for this invention is to provide a video display controller allowing two displays to be driven simultaneously, with each display having a different image.” (Chee, col. 5 bottom).
3. The Ranganathan reference describes a laptop and external display system (Figure 1) and augments the teaching of the same content being sent to the LCD display and the external CRT (as well as teaching different content being sent to the two displays, as in Figure 10B).
 4. Examiner has read the limitations of claim 1 on the Chee teachings of split display mode (Answer, page 3).

PRINCIPLES OF LAW

On appeal, Appellants bear the burden of showing that the Examiner has not established a legally sufficient basis for the rejection of the claims.

“In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. See *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

References within the statutory terms of 35 U.S.C. § 103 qualify as prior art for an obviousness determination only when analogous to the claimed invention. *In re Clay*, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992). Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. *In re Deminski*, 796 F.2d 436, 442, 230 USPQ 313, 315 (Fed. Cir. 1986); see also *In re Wood*, 599 F.2d 1032, 1036, 202 USPQ 171, 174 (CCPA 1979) and *In re Bigio*, 381 F.3d 1320, 1325, 72 USPQ2d 1209, 1212 (Fed. Cir. 2004)). Furthermore, “‘there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness’ . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)).

ANALYSIS

Appellants contend that Examiner erred in rejecting claims 1, 2, 4, 6, 7, 24, 25, 27, 29-32, 34, 36, and 37 under 35 U.S.C. and 103(a). Reviewing the findings of facts cited above, we observe that the Examiner has established the prima facie case for the rejection. The Appellants have raised two objections to this case, but as shown below, the Examiner has presented evidence to render the objections unconvincing.

The Chee reference demonstrates updating memory locations 100' and 102', and it would not be beyond the skill of the artisan to update only one of the locations, especially in view of his objective as restated in Finding of Fact #2. Although we find that Chee also teaches, in the discussion of prior art, a concurrent display mode (Finding of Fact #2 above), we find that Ranganathan supplements the Chee teaching to establish the Examiner's prima facie case for the claims being obvious over those references.

Appellants argue that though Chee teaches supplying different display data to the two memory locations, this does not necessarily mean that the data on one is retained, and that the data on the other is updated. For example, they suggest that in Chee both locations may be updated. (Brief, page 5). Examiner disagrees (Answer, page 7) indicating that it would have been obvious to update only one of the displays in Chee, as the images are coming from different memory spaces 100 or 102 as indicated in the FIFO display buffers. We find that the Examiner does not err in finding the claims obvious over Chee and Ranganathan in this respect.

Appellants further argue that the references should not be combined as Ranganathan teaches a single memory 56, but does not teach the two memory locations as claimed. However, the use of two memory locations is shown in Chee as locations itemized as 100' and 120'. (Brief, page 5). Further with regard to combining references, we find that Chee and Ranganathan are addressing the same field of endeavor, and the same problem of placing content on both LCD and a CRT screen attached to a single computer. (See Finding of Fact #2 above). Additionally, Examiner argues that the teaching of split display modes is taught by Chee, and the teaching of concurrent display modes is taught by Ranganathan, and he has demonstrated that the prior art contains both teachings, which would be

Appeal 2007-0646
Application 09/904,622

obvious to be combined as claimed. In view of both references actually revealing both modes, we do not find error in Examiner's expression of the rejection.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in rejecting claims 1, 2, 4, 6, 7, 24, 25, 27, 29-32, 34, 36, and 37 under 35 U.S.C. and 103(a). As no independent arguments were presented for Rejection II, as defined above, we will affirm the rejections on all claims 1-7 and 24-37.

DECISION

The Examiner's rejection of claims 1-7 and 24-37 is affirmed.

Appeal 2007-0646
Application 09/904,622

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a) (1)(iv).

AFFIRMED

gw

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY., SUITE 2110
AUSTIN, TX 78759